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DIV. OF OIL, GAS & MINING

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Emery.)

I, Richard Shaw, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and on the Utah legals.com webwbsite; the first publication was on the 25th day of January, 2011, and that the last publication of such notice was in the issue of such newspaper dated the 15th day of February, 2011.



Richard Shaw – Publisher

Subscribed and sworn to before me this 15th day of February, 2011.



Notary Public My commission expires January 10, 2015 Residing at Price, Utah

Publication fee, \$ 382.44



**APPLICATION FOR PHASE II AND III
BOND RELEASE
DEER CREEK MINE
9TH EAST PORTAL BREAKOUT AREA
C/015/0018**

Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits an application for Phase II and III bond release for the Deer Creek Mine, 9th East Breakout site. The said area, located in SE1/4 of the SW1/4 of the SE1/4 of Section 22, Township 17 South, Range 7 East, SLB&M, has met the regulations of the R645 Utah Coal Rules in regards to Phase II and III Bond Release (R645-301-880.300). The total acreage proposed for release is approximately 0.6 acres and is located near the Cottonwood Wilberg Portals.

The 9th East Breakout site includes (3) portals developed in 1977 for mine ventilation. These (3) concrete collared portals were used until 1990. In addition, the area had (2) portals developed in the 1920's for a small mine operation. The 1977 portals were sealed in 1990.

Final reclamation of the 9th East breakouts began in the fall of 1999 and was completed in December of the same year. The concrete collars were removed and all the portals, including the (2) historic portals that were developed in 1920, have been backfilled. The site was fertilized, mulched and seeded contemporaneously with backfilling and grading. Phase I Bond Release for this area was approved on July 31, 2007.

Currently, a surety bond is filed with the Division of Oil, Gas and Mining in the amount of \$4,113,000.00 and is payable to the State of Utah, Division of Oil, Gas and Mining (DOGM), and the Office of Surface Mining Reclamation and Enforcement (OSM). A Renewed mining permit was issued by the State on February 7, 2006. PacifiCorp does not request that a reduction of the bond be made for this site.

A copy of the Phase II and III application may be examined at the office of the Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801 and also at the Records Office located in the Emery County Courthouse in Castle Dale, Utah. Written comments, objections, or requests for an informal conference may be submitted to the Salt Lake City address. Said comments must be submitted thirty (30) days from the date of the last publication of this notice. This notice is being published to comply with the Surface Mining Control and Reclamation Act of 1977, and State and Federal regulations promulgated pursuant to said Act.

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